

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference PAT01153PCT | FOR FURTHER ACTION | See Form PCT/IPEA/416 |
| International application No. PCT/EP2004/052348 | International filing date (<i>day/month/year</i>) 21.09.2004 | Priority date (<i>day/month/year</i>) 04.10.2003 |
| International Patent Classification (IPC) or national classification and IPC C08G 18/22, C09D5/04, C08L75/02 | | |
| Applicant BASF COATINGS AG | | |

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| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. |
| 3. This report is also accompanied by ANNEXES, comprising: a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of _____ sheets, as follows: <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). |
| 4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application |

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| Date of submission of the demand | Date of completion of this report |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/052348

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-15 _____ as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-26 _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* _____ received by this Authority on _____
- nos.* _____ received by this Authority on _____
- ☐ the drawings:
- sheets _____ as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement | | |
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| 1. | Statement | | |
| | Novelty (N) | Claims <u>1-26</u> | YES |
| | | Claims _____ | NO |
| | Inventive step (IS) | Claims <u>1-26</u> | YES |
| | | Claims _____ | NO |
| | Industrial applicability (IA) | Claims <u>1-26</u> | YES |
| | | Claims _____ | NO |
| 2. | Citations and explanations (Rule 70.7) | | |
| | 1 | This report makes reference to the following document: D1: DE 100 42 152 A (BASF COATINGS) 28 March 2002 (2002-03-28) | |
| | 2 | Novelty | |
| | 2.1 | None of the documents cited in the search report contains all of the features necessary for the invention. Therefore, the subject matter of claims 1, 23 and 24 is novel (PCT Article 33(2)). | |
| | 3 | Inventive step | |
| | 3.1 | D1 is regarded as the closest prior art. It discloses: the production of a thixotroping agent that contains a urea crystal and can be produced by reacting a polyisocyanate and a primary or secondary amine. The difference between the technical features of the closest prior art and those of the subject matter of claims 1, 23 and 24 consists in the use of | |

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| Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
|-----------|---|
| | <p>organic bismuth compounds as a catalyst.</p> <p>Since no direct comparative examples are available to determine what the effect of this technical feature could be, the problem to be solved is regarded as that of producing alternative rheology adjuvants containing urea crystals. The solution proposed in claims 1, 23 and 24 involves an inventive step (PCT Article 33(3)) for the following reasons: it is not obvious for a person skilled in the relevant field to use bismuth compounds in order to produce rheology adjuvants containing alternative urea crystals.</p> <p>3.2 Claims 2-21, 25 and 26 are dependent on claims 1, 23 and 24 and therefore likewise meet the PCT requirements for novelty and inventive step.</p> |